

Chapter 89

CEMETERIES

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[HISTORY: Adopted by the Township Board of the Charter Township of Rutland 10-12-2005 by Ord. No. 2005-107. Amended by Ord. No. 2016-158.]

GENERAL REFERENCES

Violations Bureau; municipal civil infractions — See Ch.45.

§ 89-1. Title.

This chapter shall be known and cited as the "Rutland Charter Township Cemetery Ordinance."

§ 89-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. BURIAL SPACE — "burial space" means a land area 4 feet wide and 10 feet in length.
- B. CEMETERY LOT --- "cemetery lot" means burial spaces sufficient to accommodate one vault and no more than six cremains.
- C. RESIDENT --- "resident" means a person who resides in a household within the territorial limits of Rutland Charter Township.

§ 89-3. Sale of Cemetery Lots and Burial Spaces; Transfer of Burial Rights; Reversion of Burial Rights.

- A. Hereafter, the Township Clerk shall sell burial spaces to residents and nonresidents for the purpose of human burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made by funeral directors or other than as heretofore set forth.

- B. All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such forms shall be executed by the Township Clerk.
- C. Burial rights may be transferred only by the endorsement of an assignment of such burial rights upon the original burial rights permit form issued by the Township Clerk. Such assignment must be approved by said Clerk and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial rights permit to the assignee and shall cancel and terminate, upon such records, the original permit thus assigned.
- D. All unused cemetery lots must be returned to the Township for a full refund of the purchase price payable to the burial rights permit holder. No private sale of cemetery lots shall be allowed.
- E. Purchase of six burial spaces per household shall be allowed. Purchases of burial rights/spaces in excess of six per household shall be reviewed upon a petition of the purchaser to the Township Board at a regularly scheduled Township Board meeting.
- F. A burial right shall be considered abandoned and reverted to the Township in either of the following circumstances:
 - 1. Where a burial right was issued 40 years or more before the effective date of this Chapter, but has not been used for interment purposes upon the effective date of this Chapter.
 - 2. Where a burial right is issued on or after the effective date of this Chapter, but is not thereafter used for purposes of interment for the subsequent period of 40 years.

Where the Township Clerk determines either circumstance to exist, the Clerk shall send written notice of the foregoing to the last known address of the purchaser of the burial right or their known next of kin, indicating a right of burial in the specified burial space shall revert to the Township unless within the subsequent 60 days sufficient arrangements are made with the Township Clerk to indicate the burial right shall be retained. Such burial right shall thereafter either be retained, transferred, or reverted as provided herein.

§ 89-4. Purchase price and transfer fees.

The price for burial spaces and transfer fees shall be established by resolution of the Township Board and may be altered by resolution to accommodate increased costs for cemetery maintenance.

§ 89-5. Grave opening charges.

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be by contract with the Cemetery Sexton.

- B. No burial space shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the control of the local health department.

§ 89-6. Markers and monuments.

- A. All markers and monuments shall be made of stone, bronze, or other equally durable composition.
- B. Only one monument shall be permitted per burial space. The Sexton may allow up to four memorial markers in conjunction with a monument, provided the markers shall be level with the ground so as to not impede the use of lawn maintenance equipment.
- C. The footing or foundation upon which any monument, marker, or memorial must be placed shall be 18 inches deep and four inches larger on all sides with a maximum width of 24 inches. The marker or monument shall not exceed the size of the burial space. Cost of the foundation is to be determined by contract with the Sexton and payable by the owner of the burial space.
- D. All markers and monuments must be set in a neat and orderly fashion in line with the row.

§ 89-7. Interment regulations.

- A. Only one person may be buried in a burial space with the exception of a mother/father and infant or two children buried at the same time.
- B. Up to six cremains may be buried in the same burial space not containing a full burial; or one full burial and not more than five cremains shall be allowed in a burial space with prior approval by the Township Clerk.
- C. Not less than 48 hours' notice shall be given in advance of any funeral to allow for the opening of the burial space.
- D. The appropriate ownership permit for the burial space involved, together with appropriate identification of the persons to be buried therein, where necessary, shall be presented to the Cemetery Sexton prior to interment. Where such permit has been lost or destroyed, the Sexton shall be satisfied, from his or her records or the Clerk's records, that the person to be buried is the authorized and appropriate one before any interment is commenced or completed.
- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

§ 89-8. Vault.

All full burials shall be within a standard concrete or steel vault installed or constructed in each burial space before interment.

§ 89-9. Ground maintenance.

- A. No grading or leveling upon a burial space shall be allowed.
- B. No shrubs, trees, or vines shall be planted. No fences or curbs shall be erected.
- C. The Township Board or its designee reserves the right to remove or trim any tree or shrub already located within the cemetery in the interest of maintaining the proper appearance and use of the cemetery.
- D. Mounds, memorials, decorations, or benches that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. All urns must be set in line with the headstone. Urns that are not used for two years may be removed by the Sexton.
- F. A contained border of no more than 36 inches that projects forward onto the lot shall be allowed as long as it conforms to the dimensions of the burial space. The border may consist of landscaping stones or flowers. All decorations/shepherd's hooks must be contained inside of the border. The maintenance inside of the border shall be the responsibility of the lot owner and their survivors. Should the border become unsightly due to growth, decay, or deterioration, the Sexton shall have the authority to remove the border and all contents at the owner's expense. Surfaces other than earth or sod shall be prohibited outside of the border area.
- G. All refuse of any kind, including, but not limited to, dried flowers, wreaths, papers, and flower containers shall be removed or deposited in containers located within the cemetery.
- H. The Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers that, through decay, deterioration, or damage, are unsightly, would become a source of litter, or a maintenance problem.
- I. Under certain conditions, it may be necessary to remove part or the entire border to dig a grave or maintain the grounds surrounding the headstone. If this happens, the lot owners or their survivors will be responsible for removing the border and replacing it if desired. If this removal is required but not done by the family, the Sexton will remove it at the owner's expense. The lot owners or their survivors will be responsible for its replacement.
- J. All encroachments onto adjacent lots are the responsibility of the individual registered lot owners or their designated representatives.

- K. The Rutland Charter Township Board or its designees shall not be held liable for decorations, memorabilia, trees, shrubs, or flowers and their containers left on or planted at any burial space. Anything left on or planted at the burial space shall be the sole responsibility of the lot owner or their survivors.

§ 89-10. Records.

The Township Clerk shall maintain all records concerning all burials and issuance of burial rights permits separate and apart from any other records of the Township, and the same shall be open to public inspection at all reasonable business hours.

§ 89-11. Cemetery hours and regulations.

The cemetery exists as a memorial to the deceased. It shall be open to the general public daily from dawn to dusk for the purpose of memorializing the dead. It shall be closed to the general public from dusk until dawn each day. No alcoholic beverages, disruptive behavior, or conduct deterring from the purpose of the cemetery shall be condoned. The cemetery roads and grounds will not be maintained during the winter months unless there is a burial scheduled to take place.¹

§ 89-12. Correction of errors.

The Board of Rutland Charter Township reserves the right to correct any errors made in the description, transference, or conveyance of burial rights, either by substituting a site in another location or by refunding the purchase price of said burial rights.

§ 89-13. Sanctions for violations.

Chapter 45 of this Code generally applies to any violation of the cemetery regulations in this Chapter 89 of the Code (as a municipal civil infraction); provided that any violation of § 89-11 (Cemetery hours and regulations) is a misdemeanor punishable by a fine of \$500.00 and/or imprisonment for 93 days. This misdemeanor designation is included with the specific intent to provide the legal authority for a certified law enforcement officer with jurisdiction in Rutland Charter Township to either issue an appearance ticket or make a custodial arrest where the officer otherwise has legal grounds to proceed in that manner for conduct violating § 89-11.

¹ Editor's Note: Original Sec. 12, Penalties, which previously followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. 1). See now § 89-13 and Ch. 45, Violations Bureau; Municipal Civil Infractions.